

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #8	CCRB Case #: 201510909	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/30/2015 1:30 PM	Location of Incident: 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 6/30/2017	EO SOL 6/30/2017	
Date/Time CV Reported Wed, 12/30/2015 4:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/30/2015 4:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Gove	14285	939968	047 PCT
2. POM Jeremiah Williams	07878	927673	047 PCT
3. POM Matthew Escudero	26192	948333	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Eric Florio	00997	943245	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Gove	Abuse: PO Charles Gove refused to provide his name and shield number to § 87(2)(b)	
B.POM Matthew Escudero	Abuse: PO Matthew Escudero refused to provide his name and shield number to § 87(2)(b)	
C.POM Charles Gove	Abuse: PO Charles Gove refused to provide his name and shield number to § 87(2)(b)	
D.POM Jeremiah Williams	Abuse: PO Jeremiah Williams refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On December 30, 2015, § 87(2)(b) and his girlfriend, § 87(2)(b) went to the 47th Precinct stationhouse in the Bronx to retrieve his property that was confiscated on his arrest on § 87(2)(b). § 87(2)(b) waited over by the front of the stationhouse. PO Charles Gove, of the 47th Precinct, escorted § 87(2)(b) to the field intelligence office to speak with his arresting officer, PO Matthew Escudero, also of the 47th Precinct. § 87(2)(b) was in the office with PO Gove, PO Escudero and Sgt. Eric Florio, who works for the criminal intelligence section of the intelligence bureau. § 87(2)(b) asked for PO Gove and PO Escudero's information by saying "Can I have y'all names and y'all badge numbers?" The officers allegedly ignored this request. (**Allegations A and B**) PO Gove then escorted § 87(2)(b) back to where § 87(2)(b) was standing. PO Gove was joined by PO Jeremiah Williams, of the 47th Precinct. § 87(2)(b) asked for their name and badge numbers. PO Gove allegedly ignored her while PO Williams allegedly stated "it's on the paperwork." (**Allegations C and D**)

Mediation, Civil and Criminal Histories

- Mediation was rejected by § 87(2)(b) was not eligible for mediation because one of the subject officers in this case (PO Escudero) was his arresting officer on his arrest on § 87(2)(b)
- § 87(2)(b) has no known criminal convictions. (Board Review 01)
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 03) There was an IAB spinoff created for this case (#201510922) due to the allegation that § 87(2)(b) did not receive his property.
- This is the first CCRB complaint involving § 87(2)(b) (Board Review 04)
- PO Gove has been an officer for 9 years and this is the 53rd allegation pled against him. (Board Review 05) In 2014 (201400419), allegations of a vehicle stop and a vehicle search were substantiated against PO Gove; there is no NYPD disposition on this case yet. In 2013 (201307972) a chokehold allegation was substantiated against PO Gove; there is no NYPD disposition on this case yet. In 2012 (201204955), allegations of physical force, a threat of force and of a discourteous action were substantiated against PO Gove; there was no penalty issued by the NYPD. In 2012 (201201494) an allegation of refusal to provide name/shield was pled against PO Gove but the complaint was withdrawn.
- PO Escudero has been an officer for 6 years and this is the 16th allegation pled against him. (Board Review 06) PO Escudero has no substantiated allegations and there is no pattern relevant to this case.
- PO Williams, who since this incident has been promoted to detective, has been an officer for 15 years and this is the 28th allegation pled against him. (Board Review 07) In 2007

(200704005), a stop and a frisk were substantiated against him. The NYPD disposed this case as no disciplinary action due to the statute of limitations. There is no pattern relevant to this case.

Findings and Recommendations

Allegation A –Abuse of Authority: PO Allegation A –Abuse of Authority: PO Charles Gove refused to provide his name and shield number to § 87(2)(b)

Allegation B –Abuse of Authority: PO Matthew Escudero refused to provide his name and shield number to § 87(2)(b)

In her interview with the CCRB on January 4, 2016, § 87(2)(b) stated that at approximately 1:30PM on December 30, 2015, she accompanied her boyfriend, § 87(2)(b) to the 47th Precinct stationhouse to collect his property. (Board Review 08) § 87(2)(b) asked a uniformed officer at the desk to speak with his arresting officers. PO Gove escorted § 87(2)(b) to a back office inside the stationhouse, while § 87(2)(b) stayed in the general civilian waiting area. § 87(2)(b) did not see or hear any interaction that occurred in this office. About five minutes after § 87(2)(b) left, § 87(2)(b) saw PO Gove escort § 87(2)(b) back to the area. § 87(2)(b) looked upset and only had his ID card in his hand. § 87(2)(b) told § 87(2)(b) that he was told that his property was left in the car. § 87(2)(b) stated that later, when § 87(2)(b) was interacting with PO Gove and PO Williams in her presence, he was cursing, calling them “faggots” and “assholes.”

In his interview with the CCRB on January 28, 2016, § 87(2)(b) stated that PO Gove came and escorted him to a back office, where there were about five other officers. (Board Review 09) § 87(2)(b) stated that three of the officers, PO Gove, PO Escudero, and Sgt. Florio were there. Sgt. Florio was on his computer and did not have any interactions with § 87(2)(b). § 87(2)(b) told the officers he wanted his property. § 87(2)(b) did not recall who said what, but one officer stated, “Ain’t his phone under investigation?” One of the officers gave § 87(2)(b) his ID and said that it was the only thing they had. § 87(2)(b) got upset because the officers were not returning his property. § 87(2)(b) raised his voice but did not specifically recall if he cursed at the officers, saying, “Y’all know what you did.” § 87(2)(b) then asked the officers, “Can I have y’all names and y’all badge numbers?” The officers ignored him. § 87(2)(b) only asked once. § 87(2)(b) left the office and PO Gove followed him out. § 87(2)(b) was in the room for approximately 5 minutes.

In his interview with the CCRB on February 12, 2016, Sgt. Florio stated that the time of the incident, he was seated at his desk, with headphones on, doing paperwork on his computer. (Board Review 10) Sgt. Florio could not recall who was in the room. Sgt. Florio saw one of his officers escort § 87(2)(b) in the room, but could not recall if this was PO Gove. Sgt. Florio had previously interacted with § 87(2)(b) during an § 87(2)(b). Sgt. Florio did not hear any conversation between § 87(2)(b) and an officer because Sgt. Florio was listening to music. § 87(2)(b) never attempted to speak to Sgt. Florio and Sgt. Florio did not know if he spoke to an officer besides the one that escorted him to the office. § 87(2)(b) was in the office for about one to two minutes; when § 87(2)(b) left, he got up very

quickly. Sgt. Florio thought he looked upset. Sgt. Florio did not hear any officer refuse to provide their name and shield number to § 87(2)(b).

In his interview with the CCRB on January 12, 2016, PO Gove stated that there was a knock on the door to the field office. (Board Review 11) An unknown officer told everyone in the office that § 87(2)(b) was there to speak to them. PO Gove was in the office with PO Escudero and Sgt. Florio; he could not recall if anyone else was there. PO Gove went to the front of the stationhouse and escorted § 87(2)(b) back to the office. PO Gove attempted to speak to § 87(2)(b) but § 87(2)(b) wanted to speak to his arresting officer, PO Escudero. PO Gove did not listen to PO Escudero's conversation with § 87(2)(b) but believed that it was about property. After this conversation, § 87(2)(b) appeared agitated; he expressed this through his body language and facial expressions. § 87(2)(b) was in the office for less than five minutes. PO Gove escorted § 87(2)(b) back to the front of the stationhouse. § 87(2)(b) never asked for PO Gove's name and badge number and PO Gove never refused to provide this information. PO Gove did not hear § 87(2)(b) ask any officer for their name and badge number.

§ 87(2)(g). (Board Review 12) PO Escudero was surprised at hearing that § 87(2)(b) was in the office because he felt that he should still have been in jail from his § 87(2)(b). § 87(2)(b) sat in the office and spoke to PO Escudero. § 87(2)(b) said he wanted to retrieve his property. PO Escudero explained to § 87(2)(b) that his property was vouchered and asked if he wanted copies of the vouchers. PO Escudero told § 87(2)(b) that some of his property may be in the car that he was arrested in and that if he wanted to retrieve this property, he should speak to the person he was with at the time.

At this point, § 87(2)(b) became very upset and started to curse at PO Escudero, saying, "Fuck you. You're a piece of shit." § 87(2)(b) wasn't yelling, but he was speaking in a loud tone of voice. PO Escudero did not want to sit around and be cursed at; he knew the conversation wasn't going anywhere. He told § 87(2)(b) "Okay, I'm done talking. If there's anything else I can help you with, go sit in the front." PO Gove told § 87(2)(b) "Alright, let's go" and escorted him back to the front of the stationhouse. § 87(2)(b) was in the room for "maybe 30 seconds." PO Escudero stated that he was the only officer to speak to § 87(2)(b) during this interaction. § 87(2)(b) never asked for PO Escudero's name and shield information and PO Escudero never refused to provide it. PO Escudero stated that § 87(2)(b) already knew who he was from the arrest. PO Escudero never heard any officer refuse to provide their identifying information to § 87(2)(b).

Patrol Guide procedure 203-09 states that an officer must, "Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so." (Board Review 13)

It is undisputed that on the day of the incident, § 87(2)(b) came to the field intelligence office to inquire about his property. It is also undisputed that when § 87(2)(b) left the office, he was upset and agitated. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

number to § 87(2)(b)

shield number to § 87(2)(b)

§ 87(2)(b) stated that when § 87(2)(b) arrived back to the waiting area with PO Gove, another officer, PO Williams, joined him. § 87(2)(b) recognized PO Williams from the day he was arrested and asked him where his stuff was. § 87(2)(b) told the officers, “You know what you did. Where’s my stuff?” § 87(2)(b) was very irate and was cursing at the officers, calling them “assholes” and “faggots.” The officers did not curse back at § 87(2)(b) but told him to get out of the precinct. Both the officers and § 87(2)(b) were speaking in raised voices, but they weren’t yelling. § 87(2)(b) told § 87(2)(b) to calm down and then she said to the officers, “Okay, how do we proceed? Because I want to file a complaint.”

§ 87(2)(b) asked for PO Williams' name and badge number because she wanted the information for when she filed the complaint. He responded, "No. The information is on the paperwork." § 87(2)(b) asked "Why can't I have it?" PO Williams repeated that the information was on the paperwork. § 87(2)(b) then turned to PO Gove and said, "Okay, can I have your name and your badge number?" PO Gove said, "No." PO Gove was still arguing with § 87(2)(b) at the time; PO Gove was telling § 87(2)(b) repeatedly to get out of the stationhouse. § 87(2)(b) and § 87(2)(b) did not receive any paperwork during this interaction. Neither officer had their badge on display at the time. § 87(2)(b) wanted to leave the stationhouse before the situation escalated any further. § 87(2)(b) and § 87(2)(b) started to head out of the stationhouse. § 87(2)(b) asked an unidentified officer, who was standing by the entranceway, who the two officers they were arguing with were. The officer told § 87(2)(b) it was PO Gove and PO Williams and told her that the officers were from a special unit.

§ 87(2)(b) closely corroborated § 87(2)(b)'s versions of events in that he had an argument with PO Williams and PO Gove in front of the stationhouse. There were about ten people there.

PO Williams responded to § 87(2)(b)'s query for his name and badge number with, "it's on the paperwork." PO Gove never answered § 87(2)(b)

PO Gove stated that when he was escorting § 87(2)(b) back to the front area, § 87(2)(b) asked him about getting his phone back. PO Gove told § 87(2)(b) to get in touch with his attorney. § 87(2)(b) did not respond to this, but just walked down the steps to the gate separating the civilian waiting area from the rest of the stationhouse. PO Gove walked back up the steps when he was approached by PO Williams, who asked PO Gove what was going on. PO Gove told him that § 87(2)(b) was there to retrieve his property. PO Gove saw PO Williams go speak with § 87(2)(b) but did not hear any of this interaction because he went back to his office. PO Gove never had any contact with § 87(2)(b) and did not recognize her from a photo taken at the CCRB. Later, PO Gove heard that there was a woman with § 87(2)(b) but he did not know who told him this. PO Gove never refused to provide his name and shield information to § 87(2)(b) and did not hear any other officer fail to do so.

In his interview with the CCRB on February 8, 2016, PO Williams corroborated some of PO Gove's testimony. (Board Review 14) PO Williams saw PO Gove walking with § 87(2)(b) who was displaying an "I just got locked up, I don't like you guys" type of attitude but PO Williams could not specifically recall what PO Gove and § 87(2)(b) were saying or if they were speaking. PO Williams observed § 87(2)(b) for about 15-20 seconds. PO Williams saw § 87(2)(b) in the waiting area but did not have any interaction with her. When PO Gove came back up the stairs, PO Williams asked him, "Hey, is everything alright?" PO Williams asked this because he was surprised at seeing § 87(2)(b) because he had assumed he would still be in jail from the § 87(2)(b) which PO Williams was also involved in. PO Gove said, "Yeah." PO Williams walked to the field intelligence office; he had no interaction with either § 87(2)(b) or § 87(2)(b) never asked for PO Williams's name and shield number; he never refused to provide it to her. PO Williams did not hear any officer fail to provide this information to § 87(2)(b)

Patrol Guide procedure 203-09 states that an officer must, "Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so." (Board Review 13)

§ 87(2)(b) and § 87(2)(b) provided descriptions of the two officers that they spoke to in the front area of the stationhouse; these descriptions match those of PO Gove and PO Williams. The investigation could not determine who the officer was who provided § 87(2)(b) and § 87(2)(b) with PO Gove and PO Williams' names because he was described as a uniformed white or Hispanic male in his late 20s-early 30s. There were multiple officers at the stationhouse at the time that fit that general description and as such the CCRB could not narrow down the identity of this witness officer.

§ 87(2)(b), § 87(2)(g)
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Squad: ____

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date